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Notice of Allowability	Application No.	Applicant(s)	
	10/689,376	FRANK ET AL.	
	Examiner	Art Unit	
	Jaydi A. Aguirrechea	2834	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--
 All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to Response to pre-exam fromalities filed on 2/24/04.
2. ☒ The allowed claim(s) is/are 1-51.
3. ☐ The drawings filed on _____ are accepted by the Examiner.
4. ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☒ All b) ☐ Some* c) ☐ None of the:
 1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.
THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
6. ☒ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☒ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date 4/30/04.

Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

- | | |
|--|--|
| 1. <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 5. <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 2. <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 6. <input type="checkbox"/> Interview Summary (PTO-413),
Paper No./Mail Date _____. |
| 3. <input checked="" type="checkbox"/> Information Disclosure Statements (PTO-1449 or PTO/SB/08),
Paper No./Mail Date <u>10/20/03</u> | 7. <input checked="" type="checkbox"/> Examiner's Amendment/Comment |
| 4. <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit
of Biological Material | 8. <input checked="" type="checkbox"/> Examiner's Statement of Reasons for Allowance |
| | 9. <input type="checkbox"/> Other _____. |

DETAILED ACTION

EXAMINER'S AMENDMENT

1. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Bruce Slayden on 4/30/04.

The application has been amended as follows:

- In claim 9, after "wherein" delete "the" and insert --a--.
- In claim 9, after "first and" delete "the" and insert --a--.
- In claim 10, after "wherein" delete "the" and insert --a--.
- In claim 11, "wherein ~~the~~ an upper side of ~~the~~ a first straight section and ~~the~~ a lower side of ~~the~~ a second straight section lie approximately on a common plane.
- In claim 16, line 3, delete "plate" and insert --transmission element--.
- In claim 17, "plate" and insert --transmission element--.
- In claim 20, line 2, delete "plate" and insert --transmission element--.
- In claim 21, line 2, delete "plate" and insert --transmission element--.
- In claim 29, delete "and/".
- In claim 36, delete "and/".
- In claim 42, delete "and/".
- In claim 47 line 5, delete "the actuator" and insert --an actuator--.

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- In claim 47, line 7, delete “at least one”.
- In claim 47, line 10, delete “at least one”.
- In claim 47, line 14, delete “and/”.
- In claim 48, lines 2-3, delete “at least one”.
- In claim 49, line 2 after “the first bearing area of the” delete “at least one”.

Drawings

2. The informal drawings filed in this application are acceptable for examination purposes. When the application is allowed, applicant is required to submit new formal drawings.

Allowable Subject Matter

3. The following is an examiner’s statement of reasons for allowance: The references of the Prior Art of Record fail to teach or suggest either alone or in obvious combination the limitations as set forth in claims 1, 47 and 50 and specifically comprising the limitation of the first, second and third bearing areas, wherein the first bearing area is assigned to a counter bearing, the second bearing area is assigned to the actuator and the third bearing area is assigned to the control member, wherein the transmission element is supported with the first bearing area against the counter bearing when the actuator is operated and moves the control member with the third bearing area by means of a rotational motion about a point of rotation.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled “Comments on Statement of Reasons for Allowance.”

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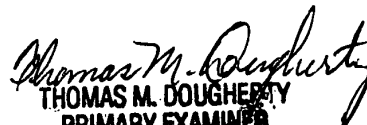
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jaydi A. Aguirrechea whose telephone number is 571-272-2018. The examiner can normally be reached on M-Th 9-7.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Darren E. Schuberg can be reached on 571-272-2044. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent : Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


JAA

4/30/04


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